Previous references.

1905-6
(Sep Rev)

Ex File No. 15 of 02

Serial Nos. 1 to 5

Later references.

Pol 5 - 12, 34 & 39

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for January 06

SUBJECT.

Appeal of Vankatappa & others against the Kadur Dy Commrs order directing the recovery from them of the loss which resulted to Govt in the resale of certain Bagaie lots Dy stopped registered in the names of petitioners for the year 1902-

Sep Rev F. No 15 of 1902-03

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject. Pet. Receipt Nos. 5218/8/02-03 from Venkatachar & others, ryots residing in Mudigere praying that the order of the Deputy Commr. dated 11th March 1902 in the matter of the recovery of the loss which resulted in the resale of the Balgami toddy shops held in their names.

Note. Petitioners state that (1) they are the ryots residing in Mudigere. (2) the ryots Contractor Nanjundaya obtained about 20 or 30 Balgami toddy shops at the sale held for the current year 1902-03, but their registered in their (petitioners') names & later on he defaulted in paying the Khists & caused the resale of the said toddy shops & (3) in the resale there was a loss in the resale (4) Coercive measures were adopted against the ryots to recover the loss & (5) the

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Mr Corney Rawlinson refused to discharge the bail required from the said Macpindar, & though the Petrs urged that they were quite ignorant of the above circumstances & his application that the Petrs now appeal to Court.

A Writ of Certiorari (the Petn stating the circumstances) issued forthwith returnable forthwith

The Petrs hence also petition & a telegram asking for the stay of proceedings - meanwhile Petrs be informed that their application

Submitted to Sect with a draft Ltr 11/6/04

The Petrs urge that the bail in their names was unauthorised & so, they would not be liable Of course but I do not

Code / Class. } 6 P

INDIAN TELEGRAPHS.

To (Office) Cuddapah | From (Office) Hindupur

Words.	Day.	Hour.	Minute.	Official Instructions.
54	27.	12	25	C.L.P.R. One Re

To (Person) Manager | Read From (Person)

The Deputy Commissioner of Myvore

2 two sentences (words) each

2846

E4532 9/8/6/05

PETITION DEPARTMENT. RECEIVED 28462 DATE 1-6-1903

and others

Cuddapah Hindupore Ha

Gap the for last years

assessment a special Sub

pray direct Cuddapah

Gap etc

02065

Sub as or 27.5.05

28 t s C

Recd. from LN. | Sent to LN.

At Hrs. Mts. by | At Hrs. Mts. by

COIMBATORE

32 Word Form.

E.C.P.

U G P—No 206 T—7 12 1901—3000000

F. N.
No. 0044

Local No. 3038
(of R. P. Telegram.)

Government Telegraph Department.

Name and Date Stamp of Booking Office.

Pass for a Reply Paid Telegram.

The sum of Rupees (in words) One
Annas nil
has been deposited for a reply to this telegram. The reply may be sent from *any* Telegraph Office at any time within two months of this date, *provided this authority be attached to the telegram form.* This Pass may also be used for any Inland telegram sent by any person within the above period, whether it be a reply to the original telegram or not.

PARTICULARS OF THE TELEGRAM.	
I. Office at which DEPOSIT was made.	Mudigere
II. Date and Time of Telegram.	27/5/03 . 1225
III. Name of Addressee.	Dewan of Cochin

Should the cost of the reply exceed the sum deposited, the difference must be paid by the sender of the reply. Should the cost of the reply be less than the amount deposited, no refund will be given for the surplus amount ; but if the Pass be not used, the amount which has been deposited will be refunded upon application to the Check Office, Calcutta, if made by the sender within two months of date of issue. The application must be supported by this Pass, without which no refund will be granted.

Name and Date Stamp of Office of Issue.

OOTACAMUND 27-5-03

Signature of Telegraph Officer in Charge.

Note.—Rules when this Pass is for a reply to a foreign telegram, see Service Regulations printed on the back of this form.

(6)

Know of this shd be assumed as correct I doubt the necessity for staying even the Draft submitted for approval

13/6/03

The Dewan through the 2nd Councillor

Agree to the dept calling for an early report - & would not not allow all proceedings - Sale however may be ordered & be stayed so as to prevent hardship and complications - if

14/6/03

Ex-176
13-6-03

15/6

2

10824
15-6-03

To The Excise Comm
No 724-4 dtd 20th June 1903

Forwards the above petition for his early report & requests that the sale of property attached, if any, may be stayed

G.R.S. 12]
General and Revenue Secretariat.

Excise File No. 15 of 1902-3

Serial No. 3

From the Excise Bond^, no: 302 d: 12-12-05:

Holds that the allegations of the Petitioners are not proved and that the Dy. Bond^ of Kadur has rightly ordered the recovery of the amount from the Petitioners

The point at issue is whether the Petitioners or Ranjundayya is liable to suffer for the loss sustained by the resale

1) Their allegations are that the Shops were unauthorizedly purchased on their behalf by one abkari contractor, Ranjundayya, under whom they were working, that they were not present at the sale, that they have not signed the Sale Patti, that they did not pay the deposit amount at the time of Sale & that they are by no means liable to suffer for the loss sustained thro' Ranjundayya.

2) The Vernacular papers now on record are all about the Sale & do not contain the original Sale patti. Nor is it ascertainable as to who paid the deposit amount

3) But the only pertinent papers on record, which are the Petitioners depositions given before the Amildar & their several petitions to Dy. Bond^ & Govt., seem to show a clear case against them.

Y.Z
W:

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

Sn File No. 15 of 1902.

Serial No.

5) The foregoing facts do not support the allegations of the petitioners set forth in para (1). In reply to an enquiry as to why the petitioners did not apply for cancellation of the sale as soon as they became aware of it, they said that they had faith in Ranjundayya & relied on his word that he would not render them liable to Govt.

6) The Dy. Com^r observes that Ranjundayya's name appears nowhere in the Govt records connected with the Sale; and that whatever may be the private understanding between him and the petitioners, the latter is by his subsequent Conduct rendered themselves liable to Govt.

Paper under disposal

7) The Sheristadar Com^r thinks that there is nothing in the record to support the petitioners' allegation; that the petitioners having been present at the Sale knew fully well that the shops stood sold to them; that their explanation that they relied on Ranjundayya's assurance to pay the Govt dues and that therefore did not complain immediately, is

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. 15 of 1902/1903

Serial No.

I agree to the rejection of this petition, but I would add to the draft an observation that there has been an inordinate delay of 2½ years in the submission of this long report called for & that even the record so tardily submitted is not quite complete.

27/12/05.

28/12/1905

10495
29.12.05

10570

add this to the observation in draft

29.XII.05

Do so & bring

3-1-1906

3-1-06

Draft with para 4 newly added as desired submitted herewith.

K.S 3.1.06

3-1-06
4

5-1-1906

5-1-06

4 To the Excise Comr. No 7L44563.11/1/06
Observe that the Govt. do not

MGCPB—20,000—1-11-04.

SR. #10

Mysore Govt Secretariat
~~Revenue Office~~ 4

Dy. 20/6/03

No. 221 Ep Sep Revs 15 of 02-03 Sl 2

Memorandum

Letters 11/6/03

Ref to yr no 2826-E.531 dated 27.5.03/8.6.03 from Venkatappa and 2 others, ~~residents of Hadigere~~, Attack praying for inquiry in Hadigere against the orders of the Dy. Comr, Kadur Dist, declining to order the recovery from one Nanjundappa of the amount of loss which occurred in the resale of certain Bagani toddy shops that were purchased in their name & and praying for the stay of proceedings, is

14/6/03

forwarded to the
Essex County in response
for an early report
with a request
that the ~~Statement~~ date of proposals attached, if any, be
~~proceedings may~~ stayed
~~be ordered if necessary~~
~~by Order, if necessary,~~
pending orders on
the present appeal
being.

RC

18/6/13

11/6/13

022-95

17.VI

Ex 531 of 8/6/03. Sep. Rev/5 of 02-03 Sl 1

1902-03

sub with Petn No. 2846.

1) Two Rupee stamp affd. (stamps sufficient)

2) Dy Comrs order appealed against, produced

3) out of time by about 12 days. Condoned vide

The subsequent petition, No. 2846 of 1-6-03 which is a telegram from the Petrs requesting orders to the Asstt Comr to postpone hearing of petn. is also sub

That the above petition be sent to the Excise Comr. for disposal & the Petrs informed accordingly

2n 6-6-03

To Excise

6/6/03

Recd 8/6/03 2 30 PM

vide dorsal proceedings 3/6/03 Tahsildar

No. 2826

Name of Petitioner Venkalappa and others

Village Kasba

Taluk Mudigere

District Kadur

Date of Arzi 27-5-03

Date of Receipt 29-5-03

Date of Disposal

No. of Enclosure Two

ABSTRACT

Appeal against the following order of the Dy Comr. No. 1194 of 17-2-03:—

"Perused your petn of 3-1-03 complaining that one Nanjundaiya Sudi contractor of Mudigere bade and purchased about 20 Sendi shops in your name without your

consent and that as
he failed to pay the
whole amount the shops
were put up to second
sale, and praying
that the amount which
may become deficient
in the second sale may
be collected from the
said Nanjundaiya
& not from you.
There is no reason to
collect from him the
deficit amount
which stands against
your names, because
your names and his
not his, are entered
in the sale list, and
also because the Taluk
Amildar reports that
you have put in your
pleas. in order to
escape from the payment
of the amount. Your
prayer therefore, cannot
be granted"

The letter, dated

that they did not
bid for the Shops,
nor were they present
when the sale was
conducted; that
the contractor Nan-
jundaya made
his men bid in the
name of the petrs
with a dishonest
view to escape from
the loss if it should
happen in the trans-
action and to involve
the petrs. in the loss.

Pray that the
amount may be
collected from the
contractor Nanjundaya
and that their property
may be released from
attachment.

[illegible]
4/6/03.

Ex.
Sep.Rev.File No.15of 02-03.

File Heading:- Appeal of Venkatappa and other Arrack renters of Mudgere, against the Kadur Deputy Commissioner's order, directing the recovery from them of the loss to Govt. from the resale of certain Bagani Toddy shops registered in the names of the petitioners.

Sl.1. Petition No.2826 dated 27/29-5-03, from Venkatappa and others Arrack renters of Mudigere, Kadur District;- Pray that the amount of loss sustained by Govt. in the resale of the Bagani Toddy shops registered in their names, may be collected from the contractor Nanjundiah and their property may be released from attachment.

Sl.2. To the Excise Commissioner in Mysore.No.721/Excise dated 20-6-03;- Forwards for early report petition in Sl.1, and requests that the sale of property attached, if any, might be stayed, pending orders on the present appeal petition.

Sl.3. No.302 dated 8-12-1905, from the Excise Commissioner in Mysore.- States that, as the petitioners had failed to pay deposit amount for some of the Bagani Toddy shopspurchased by them during the auction sales for 1902-03, the shops were resold ata loss of Rs.617-13-0 per year, for which the petitioners were(to be held responsible), and that agitation of the petitioners was the result of an attempt to shift the burden on to Nanjundiah knowing that he could not be proceeded against by Government.

Sl.4. States that the admissions of the petitioners before the Amildars of Mudgere are prejudicial to the present allegations made by them, and that petitioners, in whose names the shops were registered, must be held liable to make good the loss sustained in the resale and that Government cannot, therefore, interfere with the order of the Deputy Commissioner

Sl.5. To Venkatappa & other Arrack renters of Mudegere.No.Fl.4457 d. 11-1-06.- Informs them of the order in sl.4 above.

D 2547 S.R 15-02 8L (3)

Office of the Excise Commissioner in Mysore

Dated Bangalore, 8th December 1905.

No 302 Rev: 2 fols
1 list & 1

From

P. N. Purnaiya Esq B.A

Excise Commissioner in Mysore

To

B. K. Venkatavaradiengar Esq

Secretary to the Government of His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

I have the honour to acknowledge the receipt of your Official memo No 721 dated 20th June 1903, forwarding for report a petition from Venkatappa and two others of Mudigere appealing against the orders of the Deputy Commissioner Kadur, declining to order the recovery from one Nanjundia of the amount of loss which occurred in the resale of certain Bagani Toddy Shops that were registered in their names and to submit

the

the record of the case

2. From the letter of the Deputy Commissioner - Kadur No 11 dated 7th July 1903, herein enclosed, it will be seen that the petitioners purchased some Bagani Toddy Shops in the Mudigere Taluk during the auction Sales for 1902-03 and paid the prescribed deposit for some of them, and that they having failed to pay deposit amount for the others, they were resold with a loss of Rs 617-13-4 per year for which the petitioners are held responsible.

3. In their petition to the Government the petitioners deny that they were either present at the time and place of auction Sales or ever bade for the Shops in question and allege that one Nanjundia got them registered in their names and had the Security amount paid by his own people.

4. There is nothing to support the petitioners denial

denial and allegation Though the Sale Patti as such is not forthcoming and there is no entry of the name of the person to show who paid the deposit of one months' Khist at the time of Sale it is beyond doubt that the petitioners were present when Bagani Shops were Sold and took up some of them The "Statement Showing the results of Sales of Bagani Toddy Shops in the Kadur District for 1902-03" Contains the names of the petitioners against the Shops in question and the entries are in the handwriting of the Selling officer Mr C.D Ramaswamiah. It does not appear whether there was any Sale Patti Separate from this which bears the order of Confirmation by the Deputy Commissioner. In their examination before the Amildar of Mudagere on 23rd January 1903, the Petitioners Venkatappa and Gurappa (Pedra Lobo did not appear though Summoned) admit having attended the Sales of Bagani

Shops

Shops and Sublet Some of them. They themselves Say that a week after the Sales people came to and asked them to give them Some of the Shops knocked down to them (Petitioners) and that then they came to know that Shops had been knocked down in their names. But in their Subsequent petition dated - February 1903 to the Deputy Commissioner they Say that at the time of Sale Nanjundaiya had the Shops knocked down in the Petitioners' names, having Confidence that they would not raise any objection, as they were under his influence as Arrack Vendors, he being the Vend Farmer of the Circle. These Statements amply Support the inference that the Petitioners were not only actually present at the time of Sale but at the time knew fully well by personal knowledge that the Shops in question had been knocked down to them and that the Sale Stood in their names. Their explanation that they relied on Nanjundia's assurance to pay the money and that they did not therefore

Complain

Complain immediately is tantamount to their admission of their liability and their having accepted licenses for the Shops, which were not resold but which form some of the Shops Shown against their names in the Sale list, is prejudicial to their allegation repudiating their purchase during Sale. It seems probable from all the circumstances brought to light that this agitation by Petitioners is the result of an attempt to Shift the burden to Nanjundia knowing that he cannot be proceeded against by Government as he has not lent his name anywhere For this very reason namely, that as Nanjundia does not figure in any Government record, the Deputy Commissioner has rightly declined to take any action against him.

I have the honour to be,

Sir,

Your most obedient Servant

R. Gopalacharlu

for Excise Commissioner

G.R.S. 28]

Excise File No. 15-02
Serial No 44

Diary No. of letter replied to 2548

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Sel. Rev)

the 11 January 1906

Date of issue do

Signed by M. Kangayya Chetty
27/12/05

READ.

Petition no: 531 dated the 8th June 1903 from Kukkatahha + others in the Mudgere Taluk, appealing against the order of the Dy. Comr of the Kadur Dt:, in the matter of the recovery from them of the loss sustained by Govt: in the resale of the Bagani toddy shops registered in their names

2) Correspondence ending with letter no. 302, dated the 12th December 1905, from the Excise Comr in Mysore, on the subject

over

SUBJECT

order thereon:—. No 76 4456 & 11-1-06
Ey 715-02-04

In April 1902,
some 30 bagani toddy shops
in the Mudgere Taluk
were registered in the names
of the petitioners Kukkadappa
and two others. As 22 of these
shops were not worked & the
monthly instalments due
thereon paid to Govt; they
were resold in January 1903
this resulted in a loss of
Rs: 617-13-0 which the Govt
Conf held was recoverable
from the petitioners. The
latter however allege that
the shops in question were
unauthorizedly purchased
on their behalf by one
Nanjundappa, an abkari
Contractor, under whom
they were working. that they
were not present at the sale;
that they did not sign

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

the sale patti; that they did not pay the deposit amount at the time of sale, and that therefore they are not liable to make good the loss sustained through ~~the~~ Nainmdaz's unauthorised act.

2) In their deposition before the Asildar, the petitioners admit that they were present at the sale and knew that the Shops were registered in their names; that licenses were issued to them for those shops; that they worked a few of them & rented a few others to their sub-lessees. In reply to an enquiry as to why they did not apply for the cancellation of the sale as soon as the shops were registered in their names, they alleged that, as Nainmdaz's bid for them & paid the deposit amount, they believed that he and not they would be held liable to pay the amount due to or make good the loss, if any, sustained by, fort

and that they confided in the good faith of Nainmdaz's

3) these admissions are prejudical

th and quite inconsistent with the allegations made by the petitioners. Whatever may have been the private understanding between the petitioners and Ranjundappa, whose name nowhere appears in the records of the case, Govt can not take cognizance of the same and the petitioners in whose names the shops were registered must be held liable to make good the loss sustained in the resale. Govt. do not therefore see any reason to interfere with the order appealed against and direct that early steps be taken to recover the amount from the petitioners.

26.12.1905

Secretary.

To the Excise Comr with Enclosures.

K.S
26/12/05

26/12/05

4) Govt: observe with regret that there has been an inordinate delay of 2½ years in the submission of the ~~early~~ report called for & that ~~even~~ the record so tardily submitted is not quite complete.

3.1.06

9/1

G.R.S. 26

15 [illegible] 1902

File No. 15[illegible]
Serial No 5

Diary No. of letter replied to 648

No. 76457

General and Rev. Secretariat
( )
the 11-1-1906

Date of issue —do—

Signed by [illegible]

To

[illegible] మండలాధిపతి గారికి కసుబా
దుగ్గిరాల పరంబోకు భూమి
గురజ్ఞి వేంకటరత్నమ్మ, కోడలు లింగమ్మ,
ఈ మండలపనగళ్ళ 27 5 1903వ సం
వత్సరంలో అర్జీ ఇచ్చినారనీ:—
మా అంగడి కూరగాయలు అమ్మే
దిబ్బలు మీరు మా అనుమతి లేకుండా
తీసివేసినారు. మా అంగడి కూరగాయలు
అమ్మే

List of enclosures,

Copied by

Examined by